

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WILLIS MARTIN, JR.,

Plaintiff,

v.

CITY OF TEMPLE,

Defendant.

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6:17-CV-211-RP

ORDER

This suit was filed on July 9, 2017. The City of Temple (“Defendant”) subsequently filed a Motion for Judgment on the Pleadings, (Dkt. 19), which was referred to United States Magistrate Judge Jeffrey Manske for a recommendation on the merits. Currently before this Court is the magistrate judge’s report and recommendation, which recommends that Defendant’s Motion for Judgment on the Pleadings be granted and that Plaintiff’s claims be dismissed. (R. & R., Dkt. 27, at 8).

The report and recommendation at issue was filed on June 7, 2018. (*Id.*). Objections were therefore due on or before June 25, 2018. *See* Fed. R. Civ. P. 72(b)(2) (setting a 14-day deadline for responding to a magistrate judge’s proposed findings and recommendations); Fed. R. Civ. P. 6(d) (adding three days to such deadlines when service is made by mail); Fed. R. Civ. P. 6(a)(1)(C) (explaining that when a deadline falls on a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday). No objections were received.¹

¹ On June 27, 2018, the Court received a document from Plaintiff styled as a “Motion to Amend / Response to Defendants Judgment on the Pleadings / Summary Judgment.” (Dkt. 29). While it would be possible (though not necessary) for the Court to construe that filing as an objection to the magistrate judge’s report and recommendation, the fact remains that the filing was untimely. While courts “apply less stringent standards to parties proceeding *pro se* than to parties represented by

Where, as here, no party has timely objected to the magistrate judge's findings, the Court reviews the report and recommendation for clear error. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the magistrate judge's report and recommendation. The Court finds that the magistrate judge's conclusion and recommendation are neither clearly erroneous nor contrary to law.

For the reasons given, the Court hereby **ADOPTS** the magistrate judge's report and recommendation, (Dkt. 27), as the opinion of the Court. Defendant's Motion for Judgment on the Pleadings, (Dkt. 19), is **GRANTED**. Plaintiff's claims are **DISMISSED**.

SIGNED on July 6, 2018.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

counsel, *pro se* parties must still brief the issues and reasonably comply with [federal procedural rules]." *Grant v. Cuellar*, 59 F.3d 524, 524 (5th Cir. 1995). Plaintiff was informed of the deadline to file his objections, (R. & R., Dkt. 27, at 8), but nevertheless failed to meet it.